

IN THE UTAH COURT OF APPEALS

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William Sherratt,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellant,	)	
	)	Case No. 20050189-CA
v.	)	
	)	F I L E D
Clint Friel,	)	(April 6, 2006)
	)	
Respondent and Appellee.	)	2006 UT App 135

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Third District, Salt Lake Department, 040905805  
The Honorable Tyrone E. Medley

Attorneys: William Sherratt, Draper, Appellant Pro Se  
Mark L. Shurtleff and Nancy L. Kemp, Salt Lake City,  
for Appellee

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Before Judges Davis, Orme, and Thorne.

PER CURIAM:

William Sherratt appeals the district court's dismissal of his petition for extraordinary relief. We affirm.

The petition was dismissed pursuant to a motion filed under rule 12(b)(6) of the Utah Rules of Civil Procedure. "When reviewing a trial court's grant of a rule 12(b)(6) motion to dismiss, 'we accept the factual allegations in the complaint as true and consider them and all reasonable inferences to be drawn from them in a light most favorable to the plaintiff.'" Alvarez v. Galetka, 933 P.2d 987, 989 (Utah 1997) (quoting St. Benedict's Dev. Co. v. St. Benedict's Hosp., 811 P.2d 194, 196 (Utah 1991)). "Because the propriety of a 12(b)(6) dismissal is a question of law, we give the trial court's ruling no deference and review it under a correctness standard." Id. (quotations and citation omitted).

Sherratt alleges that he suffered retaliation by certain prison personnel for filing prior actions or grievances and for failing to comply with the terms of a sex offender treatment program (SOTP). He argues the district court improperly dismissed his petition in light of these allegations.

Sherratt fails to state a claim for relief. For instance, Sherratt alleges that he was assigned to a new cell block as a retaliatory measure. However, there is no constitutional right

to housing in a particular facility, let alone a particular cell block within that facility. See Meachum v. Fano, 427 U.S. 215, 224 (1976).

Sherratt alleges that other privileges, including participation in the SOTP and visitation, were taken away in violation of his constitutional rights. Sherratt's claim is based on the assertion that he should not be "forced" to admit his guilt to the sexual offense for which he was convicted--one of many conditions necessary to successfully fulfill the requirements of the SOTP.

In Wirsching v. Colorado, 360 F.3d 1191 (10th Cir. 2004), the Tenth Circuit, citing United States Supreme Court precedent, held that prison officials may condition participation in a SOTP on admission of guilt without offending the Constitution. See id. at 1202-05. Sherratt has provided this court with no contrary authority. Indeed, Sherratt does not have a federal constitutional right to a rehabilitative program in the first instance. See Moody v. Daggett, 429 U.S. 78, 88 n.9 (1976). Moreover, "the very object of imprisonment is confinement," and "'many of the liberties and privileges enjoyed by other citizens must be surrendered by the prisoner.'" Wirsching, 360 F.3d at 1198 (quoting Overton v. Bazzetta, 539 U.S. 126, 131 (2003)). For instance, "[p]risoners do not retain rights inconsistent with proper incarceration, and 'freedom of association is among the rights least compatible with incarceration.' Accordingly, the Constitution allows prison officials to impose reasonable restrictions upon visitation." Id. (quoting Overton, 539 U.S. at 131).

We have reviewed Sherratt's remaining claims and find them to be without merit. We decline to discuss these claims further. See State v. Carter, 776 P.2d 886, 888-89 (Utah 1989). We therefore affirm the district court's order dismissing Sherratt's petition.<sup>1</sup>

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James Z. Davis, Judge

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge

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1. Based on our ruling herein, Sherratt's outstanding "Request for Court Order: Board Hearing Transcript" is hereby denied.